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October 15, 2009

By ECF

Hon. Richard J. Sullivan  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312

Re: *Frederick et al. v. Mechel OAO ("Mechel") et al.*, Case No. 09-cv-3617 (RJS)

Dear Judge Sullivan:

We are co-lead counsel for plaintiffs in the above-referenced action and write to respectfully request that the Court execute and seal the enclosed Requests for International Judicial Assistance (the "Requests") for service of process on defendants Igor Vladimirovich Zyuzin, Stanislav Alexandrovich Ploschenko, and Vladimir Anatolyevich Polin (the "Individual Defendants") (Exhibits A, B and C attached hereto). The affidavit of Celeste Ingalls, the Director of Operations at Crowe Foreign Services, is also submitted in support of this letter application. *See* Ex. D.

The Individual Defendants are officers of defendant Mechel, and are believed to reside in Moscow, Russia, where Mechel has its headquarters. As described in Ms. Ingalls' affidavit, although Russia is a signatory to the Hague Service Convention, it has recently refused to cooperate in the service of documents through the Convention as a result of fees imposed by the United States for service of foreign documents. As Ms. Ingalls also states, the private process service industry does not exist in Russia. Consequently, service of the attached Requests through the appropriate Judicial Authority in Russia by way of the U.S. Department of State is the only available method for serving the complaint on the Individual Defendants in compliance with Russian law.<sup>1</sup> *See* Fed. R. Civ. P. 4(f)(2)(B).

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<sup>1</sup> Mechel's counsel has declined to accept service on behalf of the Individual Defendants. He has further advised us that the Individual Defendants have not retained counsel to represent them in this action, and do not have any interest in facilitating service of process. Nonetheless, plaintiffs are also making efforts to personally serve the Individual Defendants with the

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For the reasons set forth above and in the attached Requests and affidavit, we respectfully request that the Court execute and seal the Requests.<sup>2</sup>

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'MT-6739', written over a horizontal line.

Mitchell M.Z. Twersky (MT-6739)

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complaint in this action.

<sup>2</sup> A “court certified” copy is acceptable in lieu of the Court seal.